

B. Rejection Under 35 U.S.C. § 102

Claims 1 and 7 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,020,845 to Falcoff et al. (hereinafter "Falcoff"). Claim 1 has been amended to recite that the at least one accessory module is "selectively positionable on" the at least one securement surface. By contrast, Falcoff discloses a drop-down compartment 50 having a detent 125 that engages a catch 130. The detent 125 is not selectively positionable on the catch 130. Thus, the § 102(b) rejection of claim 1 and dependent claim 7 is believed to be obviated.

To further distinguish claim 1, however, claim 1 has been amended to recite that each of the at least one securement surface forms "only an outer surface of the center console housing". This feature is also not disclosed in Falcoff.

Claims 1-7 have also been amend to address informalities.

C. Rejection Under 35 U.S.C. § 103

Claims 8 and 9 were rejected under § 103(a) as being unpatentable over Falcoff. Because claims 8 and 9 depend form claim 1, which is believed to be allowable, these claims are also believed to be allowable. Claims 8 and 9 have, however, been amended to address informalities.

Claim 12 was rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,065,793 to Koshida et al. (hereinafter "Koshida") in view of U.S. Patent No. 5,040,990 to Suman et al. (hereinafter "Suman"). Claim 12 recites "a center console housing disposed between the first and second console housings, wherein the center console housing includes at least one rail extending between and secured to the first and second console housings". By contrast, the rails 14 of Koshida, which the Examiner asserts to be Applicants' "at least one rail," are not secured to and extending between first and second console housings. Rather, the rails 14 of Koshida are affixed to headlining 8. (*See*, col. 4, ll. 29-35.) Nor does Suman cure the deficiencies of Koshida.

Furthermore, Applicants respectfully contend that there is no motivation for combining Koshida and Suman. Koshida relates to a moveable console having compartments for storing items. In contrast, Suman relates to an unmoveable base unit (console) for plugging in electrical display modules that are connectable to a vehicle electrical system. Moreover,

each module of Suman includes “a plug which correspondingly aligns with and electrically couples the individual module to socket 70 in the base unit 20”. (See, col. 4, ll. 1-3.) Thus, the problems addressed by these patents are unrelated, and the compartments/modules of these patents function differently. As such, there is no motivation to combine these references.

Moreover, as recited in MPEP § 2143.02, “if [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” (In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (modification added)). With respect to the Examiner’s proposed combination, the modules of Suman cannot slide along the rails of Koshida, and the system of Koshida does not provide an electrical socket for the modules of Suman. Thus, the Examiner’s proposed combination is improper, and the rejection of claim 12 should be withdrawn.

To further distinguish claim 12, however, claim 12 has been amended to recite “at least one generally cylindrical rail”. Furthermore, claim 12 has been amended to recite that the at least one rail has “an outer surface”, and that the at least one securing member engages “the at least one rail only at the outer surface of the at least one rail”. These features are not shown in either Koshida or Suman.

Claim 12 and dependent claims 13, 14, 16 and 17 have also been amended to address informalities.

D. New Claims

New claims 24-44 have been added to more distinctly claim and particularly point out that which Applicants regard as the subject matter of their invention, 35 U.S.C. § 112, paragraph 2. With respect to claim 31, this claim includes limitations of claim 2 and original claim 1. As such, claim 31 and dependent claims 31-44 are believed to be allowable.


E. Conclusion

Applicants have made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

Two checks that total \$910.00 are enclosed to cover the fee of \$390.00 for the petition for extension of time within the second month and the fee of \$520.00 for the filing of 20 claims in excess of the number of claims paid for previously (including two new independent claims). Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 — a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

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Date: July 16, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**In The Specification**

Please replace the paragraph at page 8, line 5, with the paragraph shown below.

In an alternative embodiment of the invention, a single rail is provided as part of the center console housing 43 extending between the first and second console housings 42, 44. The at least one accessory module 64 is [modules 64 are] selectively positionable and removably secured to the single rail in center console housing 43. It is also understood that the number of rails provided in center console housing 43 of overhead assembly 40 can be changed to provide additional structural support to mount the accessory modules 64 or to change the aesthetic appearance of the overhead assembly.

Please replace the paragraph at page 11, line 22, with the paragraph shown below.

Referring additionally now to Figure 4-6, the accessory module or pouch 138 of the alternative embodiment of the modular overhead console of the present invention will be discussed in greater detail. Accessory pouch 138 includes a lower surface 152, an upper surface 154, a flap 156 and a storage cavity 158 formed by the upper and lower surfaces 152, 154. Items 160, such as a garage door opener or the like, are stowed in the storage cavity 158. Items 160 are retained in cavity by flap 156, which is releasably secured to the lower surface of accessory pouch 138 by means of a fastener, such as a snap fastener or a hook and loop fastener.

In The Claims

1. (Amended) An overhead console assembly and headliner combination for a vehicle comprising:

a headliner having a structural member;

a first console housing disposed on [an inner surface of a] the structural member of [a] the headliner [of the vehicle];

a second console housing disposed on [the inner surface of] the structural member of the headliner, wherein the second console housing is spaced apart from the first console housing;

a center console housing disposed between the first and second console housings, the center console housing including at least one securement surface, each of the at least one securement surface forming only an outer surface of the center console housing; and

at least one accessory module selectively positionable on [positioned] and removably secured to the at least one securement surface of the center console housing for storing materials, the at least one accessory module including a housing, a storage area defined within the housing to retain materials within and at least one securing member engaging the at least one securement surface of the center console housing.

2. (Amended) The [overhead console assembly] combination of claim 1, wherein the center console housing comprises a pair of spaced apart rails extending between and secured to the first and second console housings, wherein each [of the spaced apart rails] rail includes a securement surface disposed about [the] an outer periphery of the rail and an inner surface forming a cavity [there between].

3. (Amended) The [overhead console assembly] combination of claim 2, wherein the [pair of spaced apart] rails are formed of extruded aluminum. (

4. (Amended) The [overhead console assembly] combination of claim 2, wherein [the pair] each of [spaced apart] the rails [are] is generally cylindrical in shape.

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5. (Amended) The [overhead console assembly] combination of claim 2, wherein the housing of the at least one accessory module includes a lower surface having opposite ends, and the at least one securing member of the at least one accessory module [further] comprises a gripping portion extending from each end of [a] the lower surface, each gripping portion engaging [of the housing of the at least one module to engage] the securement surface of [each of the pair of spaced apart rails] a respective rail.

6. (Amended) The [overhead console assembly] combination of claim 5, wherein [the] each rail is generally cylindrical in shape, and each gripping portion [extending from each end of the lower surface of the housing of the at least one accessory module] is arcuately shaped [to engage the cylindrical outer periphery of the securement surface of the pair of spaced apart rails].

7. (Amended) The [overhead console assembly] combination of claim 1, wherein the structural member of the headliner has a lower surface, and wherein the center console housing comprises an upper surface substantially flush to the [inner] lower surface of the structural member of the headliner, a pair of sidewalls extending vertically from the upper surface between the first and second console housings, and a cavity defined [there between] therebetween.

8. (Amended) The [overhead console assembly] combination of claim 7, wherein the upper surface and the pair of sidewalls extending vertically from the upper surface of the center console housing are integrally formed [into] with the structural member of the headliner.

9. (Amended) The [overhead console assembly] combination of claim 8, wherein the first console housing and center console housing are integrally formed as part of the structural member of the headliner.

12. (Amended) An overhead console assembly for use with a vehicle having a headliner, the headliner including a structural member having a lower surface, the overhead console assembly comprising:

a first console housing [disposed] disposable on [an inner] the lower surface of [a] the structural member [of a headliner of the vehicle];

a second console housing [disposed] disposable on the [inner] lower surface of the structural member [of the headliner, wherein the second console housing is] in spaced [apart from] relationship with the first console housing;

a center console housing disposed between the first and second console housings, wherein the center console housing includes at least one generally cylindrical rail extending between and secured to the first and second console housings, the at least one rail having an outer surface; and

at least one accessory module selectively [positioned] positionable along and removably secured to the at least one rail of the center console housing for storing materials, the at least one accessory module including a housing, a storage area defined within the housing to retain the materials and at least one securing member engaging the at least one rail only at the outer surface of the at least one rail [of the center console housing].

13. (Amended) The overhead console assembly of claim 12, wherein the at least one rail of the center console housing comprises a pair of generally cylindrical, spaced apart rails extending between and secured to the first and second console housings, wherein each [of the spaced apart rails] includes a securement surface disposed about [the] an outer periphery of the rail and an inner surface forming a cavity[there between].

14. (Amended) The overhead console assembly of claim [12] 13, wherein the [pair of spaced apart] rails are formed of extruded aluminum.

16. (Amended) The overhead console assembly of claim [12] 13, wherein the housing of the at least one accessory module includes a lower surface having opposite ends, and the at least one securing member of the least one accessory module [further] comprises a gripping portion extending from each end of [a] the lower surface, each gripping portion

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engaging [of the housing of the at least one module to engage] the securement surface of [each of the pair of spaced apart rails] a respective rail.

17. (Amended) The overhead console assembly of claim 16, wherein [the] each gripping portion [extending from each end of the lower surface of the housing of the at least one accessory module] is arcuately shaped [to engage the cylindrical outer periphery of the securement surface of the pair of spaced apart rails].